

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

## I. EXECUTIVE SUMMARY

Date of Incident:	March 14, 2017
Time of Incident:	Approximately 8:00 p.m.
Location of Incident:	[REDACTED], Chicago, Illinois
Date of COPA Notification:	March 14, 2017
Time of COPA Notification:	10:58 p.m.

On March 14, 2017, [REDACTED] went to the residence of her estranged husband, Sergeant [REDACTED] where they argued over Sergeant [REDACTED] presenting his girlfriend with an engagement ring. Sergeant [REDACTED] refused to show Ms. [REDACTED] his cell phone or tell her whom he had just spoken to. Ms. [REDACTED] attempted to take Sergeant [REDACTED] phone. Ms. [REDACTED] stated that Sergeant [REDACTED] grabbed her by the arm, pushed her to the ground and kicked her on the buttocks, later telling officers that he also threatened to kill her. Sergeant [REDACTED] denied the allegations, stating that Ms. [REDACTED] came over uninvited and upset about the ring. According to him, Ms. [REDACTED] immediately began throwing items and broke various glass objects before blocking the door to keep him from leaving. Sergeant [REDACTED] stated that Ms. [REDACTED] accidentally fell and denied the allegations made against him.

After Sergeant [REDACTED] left the residence, Ms. [REDACTED] flagged down Officers [REDACTED] and [REDACTED] who subsequently curbed Sergeant [REDACTED] vehicle. Ms. [REDACTED] demanded that Sergeant [REDACTED] be arrested and then demanded to speak with him. Ms. [REDACTED] was very agitated and repeatedly stated that she would drop the charges she was making against Sergeant [REDACTED] if he would get the ring back from his girlfriend. After Sergeant [REDACTED] identified himself as a sergeant, a supervisor was called. Sergeant [REDACTED] agreed to get the ring back. Ms. [REDACTED] then stated that she no longer wanted her husband arrested and declined to sign complaints. Sergeant [REDACTED] was arrested on the signed complaint of Officer [REDACTED] on behalf of Ms. [REDACTED] who had minor injuries. Sergeant [REDACTED] also had minor injuries. Sergeant [REDACTED] criminal charges for domestic battery were dismissed. COPA investigated the incident and ultimately reached a Not Sustained finding.

## INVOLVED PARTIES

Involved Officer #1:	Sergeant [REDACTED] Star [REDACTED] Employee [REDACTED]; DOA: [REDACTED], 1994; Unit [REDACTED]; DOB: [REDACTED], 1964; Male; Hispanic.
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<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Witness Officer #1:	Sergeant [REDACTED] Star [REDACTED]; Employee [REDACTED]; DOA: [REDACTED], 1998; Unit [REDACTED]; DOB: [REDACTED], 1975; Male; Hispanic.
Witness Officer #2:	Officer [REDACTED] Star [REDACTED]; Employee [REDACTED]; DOA: [REDACTED], 1986; Unit [REDACTED]; DOB: [REDACTED], 1963; Female; White.
Witness Officer #3:	Officer [REDACTED] Star [REDACTED]; Employee [REDACTED]; DOA: [REDACTED], 1997; Unit [REDACTED]; DOB: [REDACTED], 1997; Male; White.
Subject #1:	[REDACTED] DOB: [REDACTED], 1963; Female, Hispanic

## II. ALLEGATIONS

Officer	Allegation	Finding
Sergeant [REDACTED]	<ol style="list-style-type: none"><li>1. It is alleged that on March 14, 2017, at approximately 2200 hours, inside the residence at [REDACTED] the accused engaged in an unjustified physical altercation with [REDACTED]</li><li>2. It is alleged that on March 14, 2017, at approximately 2200 hours, inside the residence at [REDACTED] the accused grabbed [REDACTED] by her right arm and pushed her onto the floor, as documented in the Case Report for Domestic Battery, [REDACTED]</li><li>3. It is alleged that on March 14, 2017, at approximately 2200 hours, inside the residence at [REDACTED] the accused kicked [REDACTED] on her buttocks, as documented in the Case Report for Domestic Battery, [REDACTED]</li></ol>	Not Sustained Not Sustained Not Sustained

	4. It is alleged that on March 14, 2017, at approximately 2200 hours, inside the residence at [REDACTED] the accused threatened to kill [REDACTED] as documented in the Case Report for Domestic Battery, [REDACTED]	Not Sustained
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### III. APPLICABLE RULES AND LAWS

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#### Rules

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1. Rule 2 – Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 8 – Disrespect or maltreatment of any person, while on or off duty.
3. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

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### IV. INVESTIGATION

COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

#### a. Interviews

[REDACTED]

On March 14, 2017, IPRA Investigator [REDACTED] attempted to interview [REDACTED] at her residence but she declined to give a statement and refused to be photographed. At this time, Investigator [REDACTED] observed a small area of bruising to Ms. [REDACTED] right upper arm, a small alteration to her middle right finger, and minor abrasions to her face, neck and forehead. Ms. [REDACTED] also stated that she had injury to her buttocks but did not display this injury. Later attempts to recontact Ms. [REDACTED] were unsuccessful. Ms. [REDACTED] did not respond to the approximately seven voicemail messages left by COPA. A letter was sent to Ms. [REDACTED] on November 3, 2017 via Certified and First-Class Mail. COPA received no response. Personal visits were made to both the [REDACTED] Street and [REDACTED] residence on November 6, 2017. Ms.

████████ did not provide a statement to COPA and did not sign the required Sworn Affidavit. All attempts to obtain the interview of █████ were unsuccessful. Subsequently, an Affidavit Override was obtained by COPA to investigate this incident.<sup>2</sup>

*Sergeant █████*

COPA interviewed witness **Sergeant █████** on November 28, 2017. Sergeant █████ stated that he did not know Sergeant █████ personally but had previously worked with Sergeant █████'s daughter and sister-in-law, both of whom are also police officers. On March 14, 2017, Sergeant █████ responded to a request for supervisor by Officers █████ and █████ at █████ and Ashland Avenue. Upon arrival, the officers informed Sergeant █████ that Sergeant █████ was inside his vehicle and that there was a possible domestic situation. Sergeant █████'s estranged wife, █████ was also on the scene inside the squad car. Sergeant █████ stated that Sergeant █████ was calm and cooperative while Ms. █████ alternated between being very loud and being quiet.

Sergeant █████ first spoke with Ms. █████ who stated that she and Sergeant █████ were having marital problems. Ms. █████ provided Sergeant █████ with a lot of background information and spoke about Sergeant █████'s extramarital relationships. Sergeant █████ told Ms. █████ that he was not there to be a judge of morality and requested the details relating to the March 14, 2017 incident.

Ms. █████ told Sergeant █████ that she was at Sergeant █████'s place when they argued over his cell phone. Ms. █████ reached for the phone and Sergeant █████ wrestled her for the phone. While trying to get her out of the door, Sergeant █████ grabbed her by the arms and threw her to the floor. Sergeant █████ then kicked her on the buttocks. Sergeant █████ did not know who initiated physical contact with whom. Ms. █████ initially stated that she wanted Sergeant █████ arrested and then requested to have a conversation with him. Sergeant █████ allowed the █████ to have a conversation if they kept a reasonable distance from each other.

Ms. █████ was upset because Sergeant █████ had given a ring to someone else and stated that she would drop the charges and not have him arrested if he got the ring back. Sergeant █████ stated that he would get the ring back.

Ms. █████ returned to the squad car and stated that she did not want to press charges against Sergeant █████. Sergeant █████ observed a cut on Ms. █████'s finger. Ms. █████ declined an ambulance and Sergeant █████ offered to take her to the emergency room. Ms. █████ told him that she would seek medical treatment on her own. Sergeant █████ never entered the residence where the incident occurred and did not know how Ms. █████ sustained the injury to her finger.

Sergeant █████ stated that Ms. █████ had come over to his residence and did not state much more to Sergeant █████. Sergeant █████ also had a cut to his hand; however, Sergeant █████ did not recall Sergeant █████ ever making any allegations against Ms. █████. Sergeant █████ called his superior, Lieutenant █████ because someone of a higher rank was needed to initiate a CR Investigation. Sergeant █████ was arrested for domestic violence on account Ms. █████.

<sup>2</sup> Attachments 5, 33, 37, 41, 43, 44, 58.

[REDACTED] injured finger and her complaint of pain. Officer [REDACTED] and [REDACTED] took Ms. [REDACTED] home while Sergeant [REDACTED] transported Sergeant [REDACTED] to the 12<sup>th</sup> District Station.<sup>3</sup>

*Officer [REDACTED] # [REDACTED]*

COPA interviewed witness Officer [REDACTED] on November 21, 2017. Officer [REDACTED] stated that she had been assigned to the [REDACTED] for her entire career. Officer [REDACTED] stated she was partnered with Officer [REDACTED] to Beat [REDACTED] on March 14, 2017. Officer [REDACTED] was not familiar with [REDACTED] or Sergeant [REDACTED] prior to March 14, 2017. While on patrol without the lights engaged, Ms. [REDACTED] flagged their squad car down on [REDACTED] Ms. [REDACTED] ran up to the squad car window and stated that her husband had just beat her up and that she wanted him arrested. Officer [REDACTED] related that they wanted to return to where the incident occurred at [REDACTED] Ms. [REDACTED] got in the squad car.

While turning onto [REDACTED] from Ashland, Ms. [REDACTED] yelled out that her husband was driving east on [REDACTED] and making a right onto Ashland. Officer [REDACTED] stated that Ms. [REDACTED] never identified her husband as a police officer as they curbed his vehicle. Ms. [REDACTED] yelled out that her husband had a gun and had threatened to kill her as she pounded on the backseat of the squad car. Ms. [REDACTED] also said that she wanted to speak with her husband. Sergeant [REDACTED] cooperated with Officers [REDACTED] and [REDACTED] immediately identifying himself as a sergeant with the Chicago Police Department. Officer [REDACTED] immediately called for a supervisor.

Officer [REDACTED] stated that Ms. [REDACTED] kept yelling at Sergeant [REDACTED] that she wanted the engagement ring back and would not press charges if he got the ring back. Officer [REDACTED] described Sergeant [REDACTED] as calm and attempting to calm his wife down. Out of fear that she would hurt herself in the back of the squad car, the officers allowed Ms. [REDACTED] out of the squad car and directed her to stay by the squad car, keeping approximately twenty feet from Sergeant [REDACTED]. Officer [REDACTED] stated that Ms. [REDACTED] remained agitated and repeatedly yelled that about getting the ring back. Within approximately five minutes, Sergeant [REDACTED] arrived. After speaking with Officers [REDACTED] and [REDACTED] Sergeant [REDACTED] spoke with Sergeant [REDACTED] Sergeant [REDACTED] then called his supervisor, now known as Lieutenant [REDACTED]

Sergeant [REDACTED] then spoke with Ms. [REDACTED] however, Officer [REDACTED] stated that she did not hear their conversation. Sergeant [REDACTED] spoke with Sergeant [REDACTED] again and then called Lieutenant [REDACTED] again. Sergeant [REDACTED] then directed Officers [REDACTED] and [REDACTED] that Sergeant [REDACTED] was going to be arrested for Domestic Battery due to Ms. [REDACTED] injuries. At first, Ms. [REDACTED] did not mention that she had injuries. However, Officer [REDACTED] observed a small cut on her hand that had left her hand bloody. Ms. [REDACTED] also said that she her arms hurt. Ms. [REDACTED] refused medical attention several times and refused to be photographed by an Evidence Technician, stating that she would take her own photographs. Ms. [REDACTED] stated that she did not want Sergeant [REDACTED] arrested and just wanted him to get the ring back. Ms. [REDACTED] also stated that she thought that the officers would protect Sergeant [REDACTED] because he was also police. Ms. [REDACTED] refused to sign complaints.

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<sup>3</sup> Attachment 43.

Sergeant [REDACTED] drove Sergeant [REDACTED] to the [REDACTED] Station while Officers [REDACTED] and [REDACTED] drove Ms. [REDACTED] to her residence, [REDACTED] Ms. [REDACTED] told the officers about her marital problems as they drove, stating that she and Sergeant [REDACTED] were separated and did not live together. Sergeant [REDACTED] had allegedly called Ms. [REDACTED] and told her that he wanted them to get back together. Ms. [REDACTED] wanted to speak to him in person and went to his apartment where he was on the phone with whom she suspected was the other woman. Sergeant [REDACTED] ended the call and refused to show Ms. [REDACTED] his phone. They argued, and Sergeant [REDACTED] grabbed her by the hand and tried to escort her out of the residence. Ms. [REDACTED] also stated that there was broken glass on the floor but that she was not sure how it got that. Ms. [REDACTED] stated to Officer [REDACTED] that she did not sign complaints because wanted to reconcile with Sergeant [REDACTED] and get the ring back.

Officer Again accompanied Ms. [REDACTED] inside her residence to view her injuries. Ms. [REDACTED] had bruises on one arm and a bruise and scratch on her face. Officer [REDACTED] did not view Ms. [REDACTED] buttocks. Officer [REDACTED] completed the case report but did not have any conversation with Sergeant [REDACTED] other than to ask him about his injuries. Sergeant [REDACTED] had a scratch on his hand that he described as a possible bite mark from Ms. [REDACTED]. Officer [REDACTED] stated that she documented broken glass being in the apartment where the incident occurred but was not sure what was broken. Officer [REDACTED] stated that she could not recall if she was inside Sergeant [REDACTED] residence.<sup>4</sup>

*Officer [REDACTED]*

COPA interviewed witness Officer [REDACTED] on November 21, 2017. Officer [REDACTED] provided an account of the incident that was essentially the same as Officer [REDACTED] adding that Ms. [REDACTED] did not initially appear battered when she flagged down their squad car; Ms. [REDACTED] instead was disheveled and upset. Officer [REDACTED] stated that he was never alone with Ms. [REDACTED] and had no private conversation with her, adding that Officer [REDACTED] was always present. Officer [REDACTED] recalled that Ms. [REDACTED] did not immediately tell them that her husband was a member of the Chicago Police Department and told them that her husband had threatened to kill her with a gun as they curbed his vehicle. Once Sergeant [REDACTED] identified himself, Officer [REDACTED] stated that they called for a sergeant.

Officer [REDACTED] recalled that Ms. [REDACTED] initially wanted them to arrest Sergeant [REDACTED] and then did not want him arrested. Officer [REDACTED] observed some dried blood on her finger and later requested that an ET photograph her, but she would not allow the Evidence Technician into her residence to take the photographs. Officer [REDACTED] described Sergeant [REDACTED] as being much calmer than Ms. [REDACTED] and observed that his hand was bleeding. Ms. [REDACTED] stated that Sergeant [REDACTED] initiated physical contact with her, knocking her to the ground and causing something glass to break. Sergeant [REDACTED] stated that Ms. [REDACTED] initiated physical contact, biting him on his hand and throwing a glass object at him.

Sergeant [REDACTED] stated that Officer [REDACTED] stated that he and Officer [REDACTED] did not enter the residence on [REDACTED] but did enter Ms. [REDACTED] residence on [REDACTED]. However, Officer [REDACTED] demurred to gender considerations and did not view Ms. [REDACTED] arm bruises when she

<sup>4</sup> Attachment 39.

displayed them to Officer [REDACTED]. However, Officer [REDACTED] stated that he observed small bruising to Ms. [REDACTED] face and scratches on her hands.<sup>5</sup>

*Sergeant [REDACTED]*

COPA interviewed accused **Sergeant [REDACTED]** on January 23, 2018. Sergeant [REDACTED] stated that he and [REDACTED] have been married for thirty-five years and have two adult children in common: [REDACTED], thirty-six years-old; and [REDACTED] thirty-three years-old. The [REDACTED] have been legally separated since 2012 and have lived separately. Sergeant [REDACTED] lived at a building that he and Ms. [REDACTED] owned at [REDACTED] while Ms. [REDACTED] remained at their marital home at [REDACTED]. The [REDACTED] remained in contact through telephone calls, visits, and mutual business concerns, seeing each other approximately one to two times a week. Sergeant [REDACTED] stated that while they were no longer trying to reconcile their marriage, they were also not actively seeking to divorce. Sergeant [REDACTED] continued to receive mail at the [REDACTED] residence and performed all maintenance on the [REDACTED] residence.

Sergeant [REDACTED] stated that he was at the [REDACTED] residence on March 14, 2017, at approximately 8:00 p.m. when Ms. [REDACTED] let herself into the property with her key. Sergeant [REDACTED] stated that he did not invite Ms. [REDACTED] over and was not expecting her. However, he did confirm that they had spoken on the telephone earlier that day but did not recall the details of their conversation. Ms. [REDACTED] wore her winter coat while Sergeant [REDACTED] was dressed in a sweater and jeans. Sergeant [REDACTED] ended a phone call just as Ms. [REDACTED] came in and he refused to tell her whom had been on the phone. Sergeant [REDACTED] stated that he did not have his gun on his person, adding that his weapon was secured inside a lock box in the residence.

Sergeant [REDACTED] stated that Ms. [REDACTED] immediately began yelling and throwing various objects on the floor such as a chair and a picture frame. Ms. [REDACTED] also grabbed for his phone and eventually gained possession of his phone by forcefully taking it from him. Sergeant [REDACTED] asked her to leave but she refused. Ms. [REDACTED] was very upset that Sergeant [REDACTED] had given a ring to his girlfriend, [REDACTED]. Ms. [REDACTED] used profanity and asked how he could do that to his family. Sergeant [REDACTED] stated that Ms. [REDACTED] grabbed his jacket and attempted to leave because he did not want things to escalate, but Ms. [REDACTED] blocked the door in front of him. Ms. [REDACTED] flailed her arms, scratched Sergeant [REDACTED] and bit his finger. Sergeant [REDACTED] stated that he attempted to gain some distance from her by extending his arms between himself and Ms. [REDACTED]. However, Ms. [REDACTED] accidentally fell backwards. Sergeant [REDACTED] tried to leave by stepping over Ms. [REDACTED] who grabbed on to his legs as he left. Ms. [REDACTED] told him that she was bleeding and he told her that she was bleeding because she had cut herself.

Ms. [REDACTED] then left the residence with Sergeant [REDACTED] phone. He did not realize that she had the phone until later. Sergeant [REDACTED] retrieved his badge and his gun before leaving the residence with the intention of spending the night elsewhere. Sergeant [REDACTED] had only driven a few blocks from the residence when he was stopped by Officers [REDACTED] and [REDACTED]. Ms. [REDACTED] was in the back of their squad car. Sergeant [REDACTED] identified himself as a member of the Chicago Police Department and spoke with Sergeant [REDACTED] when he arrived. Ms. [REDACTED] was allowed by the officers to speak to Sergeant [REDACTED] if she kept her distance from him. Ms. [REDACTED]

<sup>5</sup> Attachment 40.

repeatedly asked him to get the ring back. Sergeant [REDACTED] did not recall if Ms. [REDACTED] stated that she would not press charges if he got the ring back. Ms. [REDACTED] was upset but not screaming on the street.

Sergeant [REDACTED] denied the allegations made against him, stating that he did not intentionally strike Ms. [REDACTED] at any time and only defended himself from her aggressions. Sergeant [REDACTED] stated that he did not grab Ms. [REDACTED] by the right arm and push her onto the floor, stating that she fell backwards when he put up his arm to get distance from her. Sergeant [REDACTED] also stated that he did not kick Ms. [REDACTED] on the buttocks.

Sergeant [REDACTED] related that he did not cause Ms. [REDACTED] hand to bleed and assumed she cut her hand on glass when she fell. Sergeant [REDACTED] was arrested and transported to the [REDACTED] by Sergeant [REDACTED] after Ms. [REDACTED] left the scene. No Evidence Technician photographs of Sergeant [REDACTED] were taken, but Ms. [REDACTED] took photographs of him on March 15, 2017. Sergeant [REDACTED] stated that he is still married to Ms. [REDACTED] and still dating Ms. [REDACTED]. While the [REDACTED] intend to divorce at some point, it is not a priority while they continue to live separately while managing their properties and investments together.<sup>6</sup>

## Digital Evidence

### b. Physical Evidence

The **In-Car Camera** recording from March 14, 2017, did not capture the interaction on the street between Ms. [REDACTED] Sergeant [REDACTED] and the responding officers. This recording is not relevant to the investigation.<sup>7</sup>

Sergeant [REDACTED] submitted **photographs** taken by his girlfriend, Ms. [REDACTED] on March 15, 2017, to COPA at the time of his statement on January 23, 2018. These photographs depict two small, round abrasions on two of Sergeant [REDACTED] fingers and what appears to be a scratch on the lower left side of his neck.<sup>8</sup>

### c. Documentary Evidence

The **Initiation Report** prepared by Lieutenant [REDACTED] essentially stated that same as Sergeant [REDACTED] Officer [REDACTED] and Officer [REDACTED] adding that he had Officers [REDACTED] and [REDACTED] sign complaints against Sergeant [REDACTED] on behalf of M. [REDACTED] because she complained of pain in her arms and had injuries that he believed corroborated her version of the events. It was also noted that an Evidence Technician would photograph her if she allowed it.<sup>9</sup>

The **Arrest Report** documented that Sergeant [REDACTED] was arrested for Domestic Battery – Physical Contact of [REDACTED] on March 14, 2017. Officer [REDACTED] was the Attesting Officer who wrote in the narrative that Sergeant [REDACTED] was arrested at [REDACTED] after

<sup>6</sup> Attachment 50.

<sup>7</sup> Attachment 37.

<sup>8</sup> Attachments 54, 55.

<sup>9</sup> Attachment 4.

knowingly and intentionally making physical contact with Ms. [REDACTED] during a verbal altercation. It was documented that Sergeant [REDACTED] grabbed Ms. [REDACTED] by the arm and pushed her down on the ground before kicking her on her buttock., leaving a scratch on Ms. [REDACTED] forehead and cheek, along with bruises on her left cheek, upper fore arm, upper left arm, and a cut on her right index finger. It was further documented that Sergeant [REDACTED] threatened to kill Ms. [REDACTED].<sup>10</sup>

The **Case Report** completed by Officer [REDACTED] essentially stated the same as the accounts of Officers [REDACTED] and [REDACTED] and Sergeant [REDACTED]. The narrative documented that Officers [REDACTED] and [REDACTED] were flagged down by Ms. [REDACTED] who stated that she wanted her husband, later identified as Sergeant [REDACTED] arrested because he had just hit her and pushed her down. Sergeant [REDACTED] was spotted by Ms. [REDACTED] as the officers drove her back to [REDACTED]. The officers curbed Sergeant [REDACTED] vehicle after Ms. [REDACTED] stated that he was armed. Sergeant [REDACTED] identified himself and cooperated with the officers while they called for Sergeant [REDACTED]. Upon arrival, Sergeant [REDACTED] notified Lieutenant [REDACTED] and conducted the investigation. Ms. [REDACTED] demanded to speak to Sergeant [REDACTED] and was allowed to do so from a safe distance. Ms. [REDACTED] repeatedly told Sergeant [REDACTED] that she would not press charges if Sergeant [REDACTED] got the engagement ring back from her ([REDACTED]). Sergeant [REDACTED] agreed to get the engagement ring back.

The narrative further documented that the officers then noticed that Ms. [REDACTED] right hand was bleeding. Ms. [REDACTED] declined medical attention and declined to sign complaints against Sergeant [REDACTED]. While in route to her residence at [REDACTED] Ms. [REDACTED] stated that she and Sergeant [REDACTED] were having marital problems and legally separated; Sergeant [REDACTED] called her earlier in the evening and asked if they could reconcile; and she said that they should talk in person. Ms. [REDACTED] then walked to the building they owned where Sergeant [REDACTED] was residing and let herself in. Sergeant [REDACTED] hung up his cell phone and then refused to allow her to see his phone. As they argued, Sergeant [REDACTED] became enraged, grabbing Ms. [REDACTED] by the right arm and telling her to get out. They then struggled, and Sergeant [REDACTED] pushed Ms. [REDACTED] onto the floor before kicking her on the buttocks, cutting herself on broken glass on the floor. Ms. [REDACTED] did not know how the broken glass got there. Ms. [REDACTED] then ran out of the residence and flagged down the responding officers.

It was documented that the responding officers observed small scratches on her forehead and right cheek; bruises to left cheek and right arm; and a laceration on her right index fingers. Ms. [REDACTED] declined to be photographed by an Evidence Technician. It was also noted that Sergeant [REDACTED] was arrested on the signed complaints of the officers due to Ms. [REDACTED] injuries<sup>11</sup>

The **Misdemeanor Complaint** for Domestic Battery – Physical Contact against Sergeant [REDACTED] was signed by Officer [REDACTED] on behalf of [REDACTED] in that Sergeant [REDACTED] intentionally made physical contact with her in that he shoved her down and kicked her on the buttocks.<sup>12</sup>

<sup>10</sup> Attachment 6.

<sup>11</sup> Attachment 6.

<sup>12</sup> Attachment 27.

The **Bureau of Internal Affairs Synoptic Report** documented the arrest of Sergeant [REDACTED] and the subsequent Relief of his Powers due to his arrest. It was noted that there were no previous case reports generated by or involving the [REDACTED] and that he turned over his Department Credentials on March 15, 2017.<sup>13</sup>

A **Service Calls Search** of [REDACTED] [REDACTED] documented that there were no calls from or about [REDACTED] [REDACTED] on March 14, 2017, or between March 01 and 23<sup>rd</sup>, 2017.<sup>14</sup>

The **Certified Statement of Conviction/Disposition** documented that Sergeant [REDACTED] received a finding of “Nolle Pros” for the charge of Domestic Battery – Physical Contact on March 29, 2017.<sup>15</sup>

## V. ANALYSIS

COPA recommends a finding of Not Sustained for allegation 1 against Sergeant [REDACTED] in that he engaged in an unjustified physical altercation with [REDACTED] which resulted in his arrest for Domestic Battery – Physical Contact. [REDACTED] did not cooperate with this investigation and did not provide an account of the incident to COPA. There are no witnesses to the incident. Although Ms. [REDACTED] initially wanted Sergeant [REDACTED] arrested, she refused to sign complaints against him and did not want him arrested after she spoke to him and he agreed to get the engagement ring back from his girlfriend, Ms. [REDACTED]. The complaint was signed by Officer [REDACTED]. While Ms. [REDACTED] is documented in the case report as stating that Sergeant [REDACTED] wanted to reunite with her and invited her to his residence, Sergeant [REDACTED] denied inviting her and stated that she came over angry and uninvited after learning he presented Ms. [REDACTED] with a ring. Ms. [REDACTED] let herself in and immediately began yelling and throwing objects around, breaking various glass items.

The Department Reports, as well as the accounts of Responding Officers [REDACTED] and [REDACTED] describe Ms. [REDACTED] as the more agitated party who insisted on speaking with Sergeant [REDACTED] and continued yelling at him until allowed to speak with him, repeatedly asking for him to get the ring back from his girlfriend. Ms. [REDACTED] also stated that she would drop the charges if he did as she requested.

Although Sergeant [REDACTED] was arrested, based on minor injuries to Ms. [REDACTED] that she refused to have photographed by an Evidence Technician, he received a finding of “Nolle Pros” on March 29, 2017. Sergeant [REDACTED] was not photographed by an Evidence Technician but had Ms. [REDACTED] photograph him on March 15, 2017 to document two small, round abrasions on his fingers and a scratch on his neck. Sergeant [REDACTED] further stated that he did not cause Ms. [REDACTED] injuries and that she cut herself on broken glass from the items she broke. The accounts of the incident differ greatly between Sergeant [REDACTED] and Ms. [REDACTED] essentially presenting a “he said/she said” situation. Sergeant [REDACTED] minor injuries, including the bite marks on his finger, indicate a situation of mutual combatants as opposed to that of Sergeant [REDACTED] as the clear aggressor.

<sup>13</sup> Attachments 13, 15 – 19.

<sup>14</sup> Attachments 24, 25.

<sup>15</sup> Attachments 26, 28.

Without photographs of Ms. [REDACTED] injuries, which Officer [REDACTED] described as minor, and her account of the incident, there is insufficient evidence available to determine if this incident did or did not occur as alleged. For all the above reasons, COPA recommends a finding of Not Sustained for Allegation 1.

COPA recommends a finding of Not Sustained for Allegation 2 against Sergeant [REDACTED] in that he grabbed Ms. [REDACTED] by the arm and pushed her onto the floor. Ms. [REDACTED] did not cooperate with this investigation and did not provide an account of the incident. Sergeant [REDACTED] denied this allegation, stating that Ms. [REDACTED] was the aggressor and physically took his cell phone from him. Ms. [REDACTED] stated to Officer [REDACTED] that Sergeant [REDACTED] grabbed her by the arm and tried to push her out the door but that she ended up thrown to the floor. Sergeant [REDACTED] stated that he attempted to defuse the situation by leaving but that Ms. [REDACTED] refused to allow him to exit and instead blocked his way, flailed her arms and bit his finger. Sergeant [REDACTED] stated that he extended his arms out to create space between himself and Ms. [REDACTED] but did not push her intentionally, adding that Ms. [REDACTED] accidentally fell backwards onto broken glass.

There are no witnesses to this incident. While it was documented in Department reports that Officer [REDACTED] observed a bruise to Ms. [REDACTED] upper arm, it is not apparent if Sergeant [REDACTED] caused this injury. Ms. [REDACTED] declined to be photographed. In her statement to COPA, Officer [REDACTED] described Ms. [REDACTED] injuries as minor. Without a more accurate description or photograph of the bruise, COPA cannot determine if the bruise was caused by Sergeant [REDACTED] grabbing her, or if he was responsible for the injury. The accounts of the incident differ greatly between Sergeant [REDACTED] and Ms. [REDACTED] essentially presenting a "he said/she said" situation. Sergeant [REDACTED] received a finding of "Nolle Pros" for the charge of Domestic Battery – Physical Contact. For all the above reasons, COPA recommends a finding of Not Sustained for Allegation 2.

COPA recommends a finding of Not Sustained for Allegation 3 against Sergeant [REDACTED] in that he kicked Ms. [REDACTED] on the buttocks. Sergeant [REDACTED] stated that he stepped over Ms. [REDACTED] to leave the residence but that he did not kick her. Ms. [REDACTED] did not cooperate with this investigation and did not provide an account of this incident. Ms. [REDACTED] declined to be photographed by an Evidence Technician and did not allow Officer [REDACTED] to observe her buttocks for injury. There are no witnesses. The accounts of the incident differ greatly between Officer [REDACTED] and Ms. [REDACTED] essentially presenting a "he said/she said" situation. Sergeant [REDACTED] received a finding of "Nolle Pros" for the charge of Domestic Battery – Physical Contact. For all the above reasons, COPA recommends a finding of Not Sustained for Allegation 3.

COPA recommends a finding of Not Sustained for Allegation 4 against Sergeant [REDACTED] in that he threatened to kill Ms. [REDACTED]. According to Officer [REDACTED] Ms. [REDACTED] flagged her and Officer [REDACTED] down to report that she had been grabbed and pushed to the floor by her husband, who also kicked her on the buttocks. Ms. [REDACTED] did not identify her husband as Sergeant [REDACTED] a police officer, at any time, instead telling the officers he was armed and threatened to shoot her only when they curbed his vehicle. Ms. [REDACTED] also demanded to speak with Sergeant [REDACTED] on the scene regarding his retrieving the engagement ring that he gave his girlfriend and did not exhibit any fear of Sergeant [REDACTED] shooting her at that time. Ms. [REDACTED] did not cooperate with

this investigation Sergeant [REDACTED] denied this allegation. There are no witnesses. Sergeant [REDACTED] denied this allegation. The accounts of the incident differ greatly between Officer [REDACTED] and Ms. [REDACTED] essentially presenting a “he said/she said” situation. Sergeant [REDACTED] received a finding of “Nolle Pros” for the charge of Domestic Battery – Physical Contact. For all the above reasons, COPA recommends a finding of Not Sustained for Allegation 4.

## CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Sergeant [REDACTED]	<ol style="list-style-type: none"><li>1. It is alleged that on March 14, 2017, at approximately 2200 hours, inside the residence at [REDACTED] [REDACTED] the accused engaged in an unjustified physical altercation with [REDACTED] [REDACTED]</li><li>2. It is alleged that on March 14, 2017, at approximately 2200 hours, inside the residence at [REDACTED] [REDACTED] the accused grabbed [REDACTED] by her right arm and pushed her onto the floor, as documented in the Case Report for Domestic Battery, [REDACTED]</li><li>3. It is alleged that on March 14, 2017, at approximately 2200 hours, inside the residence at [REDACTED] [REDACTED] the accused kicked [REDACTED] on her buttocks, as documented in the Case Report for Domestic Battery, [REDACTED] [REDACTED]</li><li>4. It is alleged that on March 14, 2017, at approximately 2200 hours, inside the residence at [REDACTED] [REDACTED] the accused threatened to kill [REDACTED] [REDACTED] as documented in the Case Report for Domestic Battery, [REDACTED] [REDACTED]</li></ol>	Not Sustained Not Sustained Not Sustained Not Sustained

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Approved:



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Date

*Deputy Chief Administrator – Chief Investigator*

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	6
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]
<b>*Attorney:</b>	[REDACTED]